

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:17-00060

JAMIE EDWARD SMITH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 22, 2021, the United States of America appeared by Nicholas M. Miller, Assistant United States Attorney, and the defendant, Jamie Edward Smith, appeared in person and by his counsel, Gerald M. Titus, III, Esq., for a hearing on a petition seeking revocation of supervised release, submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a thirty (30) month term of supervised release in this action on December 21, 2020, as more fully set forth in the Supervised Release Revocation and Judgment Order - Memorandum Opinion and Order entered by the court on September 11, 2020.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on January 12, 2021, the defendant submitted a urine sample which tested positive for buprenorphine; and (2) the defendant began a 9 to 12 month residential substance abuse program at Recovery "U" as required specially by the terms and conditions of his supervised release on December 21, 2020, and, as noted in (1) above, the defendant tested positive for buprenorphine in violation of the substance abuse program, as a result of which the defendant was told on January 15, 2021, that he had to start the program over again, but four days later on January 19, 2021, the defendant left the program in violation of the special condition of his supervised release; all as admitted on the record of the hearing by the defendant, and all as set forth in the petition, and by the court's findings on the record of the hearing.


And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583 (e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, with 20 months of supervised release with the same terms and conditions as before with the exception that the defendant is not required to be enrolled in a substance abuse program such as Dismas Charities or Recovery "U."

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 24, 2021



John T. Copenhaver, Jr.
Senior United States District Judge